

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SVB FINANCIAL GROUP,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
SILICON VALLEY BANK, et al.,

Defendants.

Case No. 24-cv-01321-BLF (VKD)

**[FDIC-R'S PROPOSED] ORDER RE
OCTOBER 1, 2024 DISCOVERY
DISPUTE RE PLAINTIFF'S PRIVILEGE
REVIEW**

Re: Dkt. No. ____

The parties ask the Court to resolve a dispute regarding plaintiff SVB Financial Group's ("SVBFG") refusal to allow defendants Federal Deposit Insurance Corporation, as receiver for Silicon Valley Bank and Silicon Valley Bridge Bank, N.A. (together, "FDIC-R"), to review documents in FDIC-R's possession that SVBFG believes may contain attorney-client privileged communications where the privilege is held exclusively by SVBFG. Dkt. No. 68. The Court held a hearing on the matter on September 17, 2024. Dkt. No. 72. In a joint status report dated October 1, 2024, the parties narrowed the scope of the dispute but requested resolution by the Court of contested aspects of a plan to ensure SVBFG's efficient completion of its privilege review of the remaining approximately 300,000 documents.

Accordingly, the Court orders as follows:

1. **By October 2, 2024**, FDIC-R shall provide SVBFG with an initial priority for review within the 302,885 reserved custodial documents identified by SVBFG on September 20, 2024. FDIC-R may choose to direct prioritization using search terms to be applied by SVBFG,

or by a list of specific document IDs, or by any combination. To generate a list of specific document IDs, counsel to FDIC-R in this case may provide substantive guidance to its clean team attorneys or search term information to technicians.

2. **By October 11, 2024**, SVBFG shall notify FDIC-R of releases from the first 10,000 document IDs reviewed according to the priorities identified by FDIC-R, and shall contemporaneously provide a log for any documents withheld for claim of exclusive privilege. Any document not logged for privilege from among those identified for review shall be deemed released for FDIC-R's review.

3. **On October 11, 2024, and each subsequent Friday until the Reserved Documents are released or claimed as exclusively privileged with an appropriate log**, FDIC-R may identify up to an additional 5,000 priority documents using the methods specified in Paragraph 1, above, and FDIC-R shall return corresponding releases and logged claims of exclusive privilege by the following Friday. The parties shall cooperate on exchange of search term hit count information as the number of Reserved Documents is reduced by this process so that at least 5,000 of the remaining Reserved Documents can be definitively identified for review each week. The parties shall continue to seek to work out amendments of this process to ensure that all Reserved Documents are released or made subject to a logged privilege claim by the document discovery deadline in this case, and shall provide a further joint status update to the Court by Friday, November 8.

IT IS SO ORDERED.

Dated: October ___, 2024

Virginia K. DeMarchi
United States Magistrate Judge